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*Attorneys for Plaintiff*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION**

BRIAN KENNER,

Plaintiff,

vs.

BITTERROOT TIMBER FRAMES,  
LLC, THREE MILE CREEK POST &  
BEAM, LLC, BRETT MAURI, an  
individual, and JOHN DOES 1-10,

Defendants.

Cause No. CV-21-16-M-DLC

**AFFIDAVIT OF  
ATTORNEY'S FEES AND  
COSTS**

STATE OF MONTANA )

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County of MISSOULA )

Rufus I. Peace, being first duly sworn, deposes and says:

1. I am an attorney licensed to practice law in the State of Montana.

2. I have at all times during the above-referenced proceeding, represented Plaintiff Brian Kenner.
3. I billed at the reasonable rate of \$180.00 per hour as an associate attorney.
4. During the representation, Attorney Aaron M. Neilson, a Partner in my law firm performed work in the above-referenced proceeding.
5. Attorney Aaron M. Neilson bills at the reasonable rate of \$250.00 per hour.
6. Jane Rasmussen and Melissa Lentz, paralegals employed by our firm, bill at the reasonable rate of \$125.00 per hour.
7. Plaintiff has incurred attorney's fees and costs to date as follows:

**FEES**

Date	Activity	Time	Value	Timekeeper
11/2/2020	Meeting with client to discuss potential claim.	1.0	180.00	RIP
11/5/2020	Review documents received from client; email exchange with client regarding same.	1.2	216.00	RIP
11/6/2020	Review additional materials provided by client.	0.7	126.00	RIP
11/10/2020	Draft demand letter; email correspondence with client and attorney Aaron Neilson regarding same.	1.4	252.00	RIP
11/11/2020	Review and revise the demand letter; email correspondence with attorney Rufus Peace regarding same.	0.6	150.00	AMN
11/18/2020	Telephone conference with new contractor regarding site conditions, email exchange with client regarding same.	0.5	90.00	RIP

11/23/2020	Prepare letter to send to Bitterroot Timber Frames via regular and certified mail.	0.1	12.50	JR
11/23/2020	Edit and revise demand letter; email correspondence with client regarding same.	1.1	198.00	RIP
12/3/2020	Email exchange with client regarding site visit.	0.3	54.00	RIP
12/7/2020	Email exchange with client; reviewed file.	0.3	54.00	RIP
12/9/2020	Site visit to Brian's home.	2.0	360.00	RIP
12/11/2020	Email exchange with client regarding wood; phone call with Brett Mauri regarding same.	0.3	54.00	RIP
12/14/2020	Email exchange with new contractor and client; attempt phone call to Brett Mauri.	0.2	36.00	RIP
12/15/2020	Telephone call with Brett Mauri to discuss wood; email exchange with new contractor regarding telephone call with Brett and meeting.	0.3	54.00	RIP
12/17/2020	Email exchange with Ed regarding upcoming meeting.	0.2	36.00	RIP
12/18/2020	Attempt multiple calls to Brett Mauri with no response; email correspondence with client and new contractor regarding case status.	0.3	54.00	RIP
1/7/2021	Begin to draft Complaint and Demand for Jury Trial.	1.9	342.00	RIP
1/8/2021	Complete initial draft of complaint and make revisions to same; email correspondence with client regarding same.	1.5	270.00	RIP
1/11/2021	Review correspondence from client regarding complaint; make additional revision to complaint.	0.2	36.00	RIP
1/21/2021	Email correspondence and telephone call with client regarding case status.	0.3	54.00	RIP

1/22/2021	Telephone call with client regarding status of case and strategy.	0.3	54.00	RIP
1/22/2021	Phone call with client and review of photographs provided by client.	0.4	72.00	RIP
1/29/2021	Revise complaint and accompanying exhibits and prepare same for filing.	1.2	216.00	RIP
1/29/2021	Edit and revise draft Complaint to prepare for filing in federal court.	0.3	37.50	JR
2/1/2021	Review Secretary of State information regarding Three Mile Creek Post and Beam and Bitterroot Timberframes.	0.2	25.00	JR
2/1/2021	Meeting with attorney Aaron Nielson regarding review and revision of complaint.	0.8	144.00	RIP
2/1/2021	Begin reviewing draft complaint; make certain hand-written edits; meeting with attorney Rufus Peace regarding same.	1.0	250.00	AMN
2/2/2021	Meeting with attorney Rufus Peace regarding review and revision of complaint.	0.4	100.00	AMN
2/3/2021	Review and edit complaint; prepare summonses; prepare civil cover sheet; file same.	0.5	62.50	JR
2/4/2021	Email correspondence with client regarding complaint and summons.	0.3	54.00	RIP
2/4/2021	Email correspondence with Equity Management regarding service of complaint and summonses.	0.2	25.00	JR
2/8/2021	Telephone call with Equity Management regarding status of service of complaint and summonses.	0.1	12.50	JR
2/8/2021	Reviewed court scheduling order and calendar same.	0.5	62.50	ML

2/11/2021	Email correspondence with client regarding case status.	0.2	36.00	RIP
2/12/2021	Email correspondence with client regarding case status.	0.3	54.00	RIP
2/22/2021	Follow-up with Equity Management regarding service of complaint and summonses; email correspondence with client regarding same; conduct legal research regarding partial service.	0.5	90.00	RIP
2/23/2021	Email correspondence with client regarding case status.	0.2	36.00	RIP
3/11/2021	Begin to prepare Motion for Order of Default and brief in support.	0.6	75.00	JR
3/11/2021	Review notice of service for Brett Mauri; email correspondence with client regarding same.	0.3	54.00	RIP
3/12/2021	Prepare proofs of service for defendants and file same.	0.3	37.50	JR
3/23/2021	Legal research regarding Federal Rule 55 and "otherwise defend" threshold.	0.4	50.00	JR
3/23/2021	Prepare brief in support of motion for default and proposed order.	0.5	62.50	JR
3/24/2021	Follow-up with defendant Brett Mauri's potential attorney.	0.3	54.00	RIP
3/24/2021	Continue to prepare brief in support of motion for default and proposed order.	0.7	87.50	JR
3/25/2021	Complete various pleadings regarding entry of default file same with the court.	1.6	288.00	RIP
4/2/2021	Prepare Affidavit of Attorney's Fees and Costs.	0.8	100.00	JR
4/2/2021	Review and revise Affidavit of Attorney's Fees and Costs.	0.5	90.00	RIP
	<b>TOTAL</b>		<b>3543.50</b>	

**COSTS**

Date	Cost	Value
2/4/2021	Payment to US District Court, District of Montana for complaint filing fee.	402.00
3/2/2021	Payment to Equity Process Management, invoice #SC655811.	35.00
3/2/2021	Payment to Equity Process Management, invoice #SC655911.	35.00
3/24/2021	Payment to Equity Process Management, invoice #SC655711.	65.00
	<b>TOTAL</b>	<b>537.00</b>

**ANTICIPATED ADDITIONAL ATTORNEY FEES**

	Cost	Value
	Processing Default Judgement Paperwork	360.00

**TOTAL: \$4,440.50**

Timekeepers:

- Aaron M. Neilson, attorney (AMN)
- Rufus I. Peace, attorney (RIP)
- Jane Rasmussen, paralegal (JR)
- Melissa Lentz, paralegal (ML)

DATED this 7th day of April, 2021.

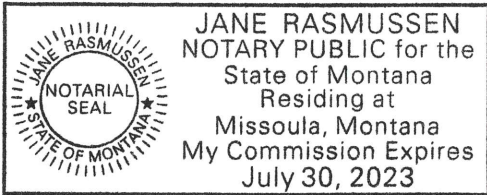
CHRISTIAN, SAMSON & BASKETT, PLLC




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Rufus I. Peace  
*Attorney for Plaintiff*

SUBSCRIBED AND SWORN TO before me this 7th day of April, 2021, by

Rufus I. Peace.



  
Notary Public for the State of Montana

(Notarial Seal)